

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5037 of 2019**

1. Rahul Khan And Anr. S/o Babu Khan Aged About 20 Years Caste Musalman, R/o Ward No. 31, Nenwa, Road Bundi, Thana City Kotwali, Bundi, District Bundi, Rajasthan.
2. Dayaram Gurjar S/o Lalji Gurjar Aged About 25 Years Caste - Gurjar, R/o Village Siyana, Thana Dablana, District Bundi, Presently Mira Get, Opposite To Malanamasi Balaji, Ward No. 28, Thana City Kotwali, Bundi, District : Bundi, Rajasthan

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station - Farasgaon, District - Kondagaon Chhattisgarh.

---- Respondent

For Applicants	: Mr. Vikash Pradhan, Advocate.
For Respondent/State	: Mr. Ajay Kumrani, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**09/12/2019**

1. The Applicants have preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 08/2018 registered at Police Station– Farasgaon, District- Kondagaon (C.G.) for the offence punishable under Section 20-B of NDPS Act.
2. First bail application was dismissed as withdrawn with liberty to file a fresh after examination of both the seizure witnesses vide order dated **26.06.2019** passed in **MCRC No.2020/2019**.
3. As per the prosecution story, it is alleged that on the basis of secret information, the police of police station Farasgaon has recovered 72.164 Kg Ganja from illegal possession of the Applicants and another co-accused. On the basis of above, offence has been registered. The

Applicants are in custody since 21.01.2018.

4. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. He submits that cannabis has not recovered from exclusive possession of the Applicants, though the same has been recovered from an open place. He further submits that till date only Kamlesh Netam has been examined by the Trial Court. Therefore, the present Applicants may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary with due care.
7. On perusing the entire order sheets of the Trial Court submitted by the Counsel for the Applicants it reveals that till date Santosh Sethia has not been examined by the Trial Court therefore, presently, I am not inclined to enlarge the Applicants on bail.
8. Accordingly, the bail application is rejected.
9. However, liberty is granted to revive the same after three months if seizure witness namely Santosh Sethia will not be examined by the Trial Court. Trial Court is also directed to expedite the proceedings.

Sd/-
(Arvind Singh Chandel)
Judge